

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 1, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 429, 440, 444, 445, 449, 450, 453 and 454.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Pat Keller*

PK/JL:lw

RE: PETITION FOR VARIANCE
27 Shrewsbury Court
S/S Shrewsbury Court, 80' E of c/l
Clifford Road, 11th Election Dist.,
5th Councilmanic Dist.

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Martin J. Lightner and Laura J. Lightner
Petitioners

94-451-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Donald D. Smith, 4112 Pine Hill Road, Baltimore, MD 21236, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME: *Debra J. Smith*
ADDRESS: *31 Shrewsbury Ct. 21228*
Debra J. Smith
31 Shrewsbury Ct 21228
Debra J. Smith
31 Shrewsbury Ct 21228
Mrs. Terence Lucero
33 Shrewsbury Ct 21228

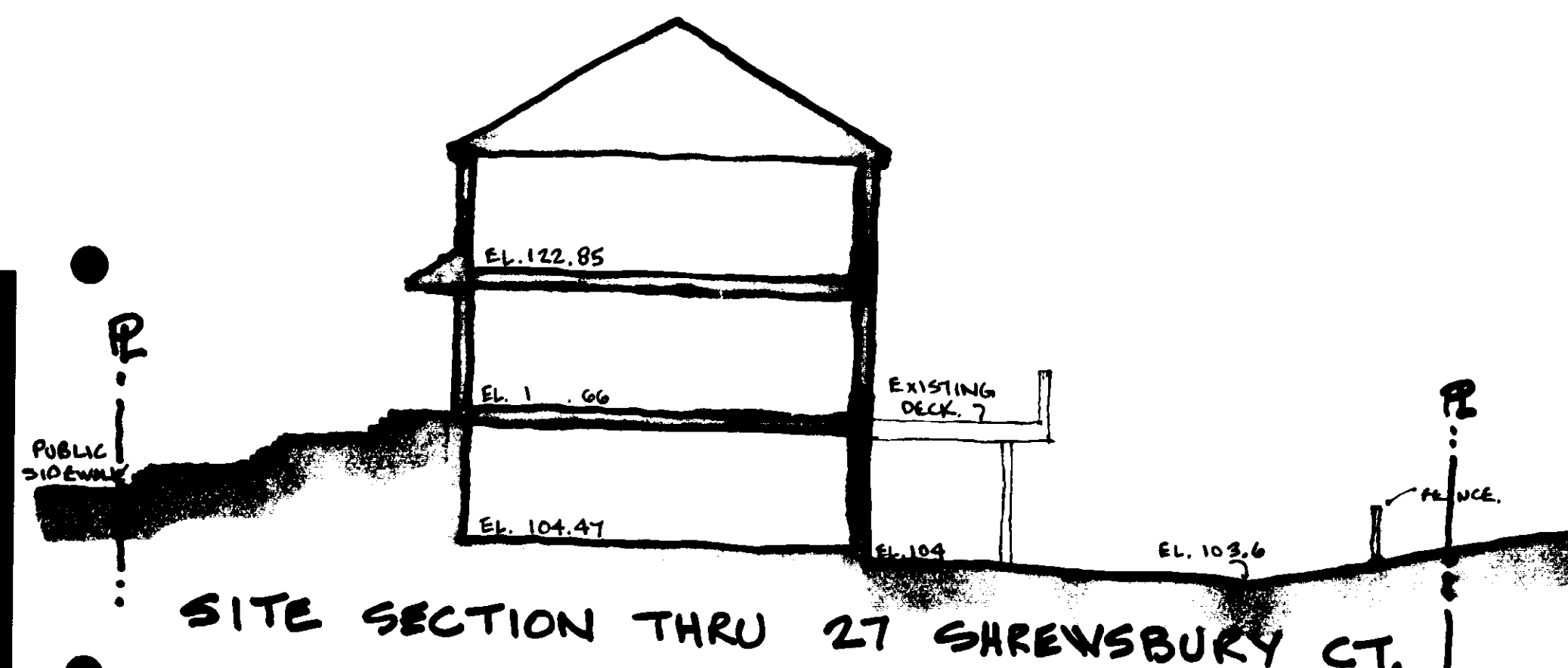
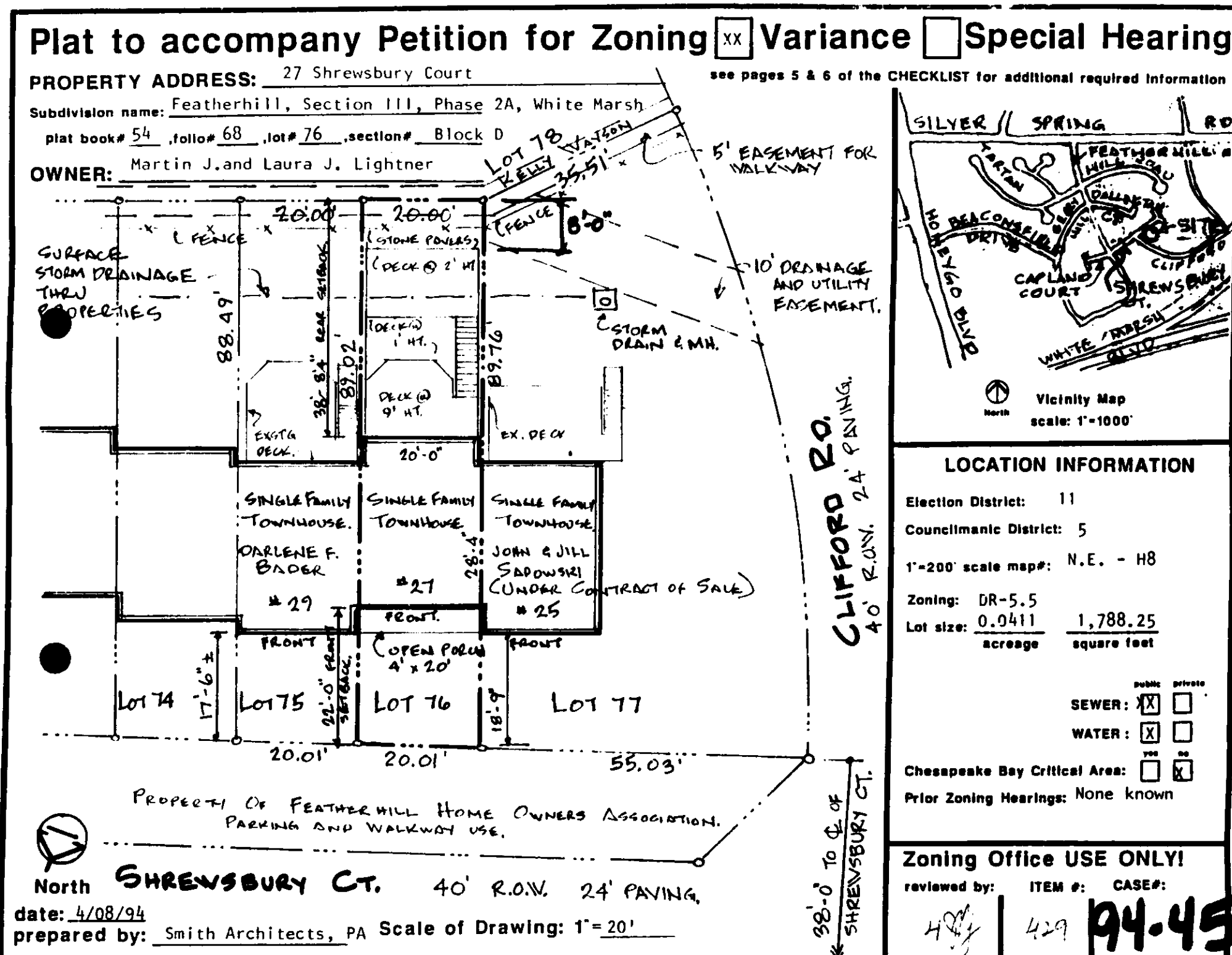
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: *Donald D. Smith*
ADDRESS: *1010 St. Paul St. 21202*
Donald D. Smith
1010 St. Paul St 21202
Martin J. Lightner
Ditto



SCALE	LOCATION	SHEET
1" = 200'	FULLERTON	N. E.
DATE OF PHOTOGRAPHY JANUARY 1986	WHITE MARSH	8-H
	VICINITY	



PETITIONER'S
EXHIBIT No 2

V.B.7 PRIVATE SPACE FACTOR

To ensure adequate private yard space (private yard space is defined as that area of open land that is sold and belongs to the dwelling unit), a minimum area of 500 square feet is required. The 500 square feet must be in one contiguous area with a minimum depth of 15' on the covered area. The side and front yard area is too small in depth or overall size to be calculated as adequate yard space.

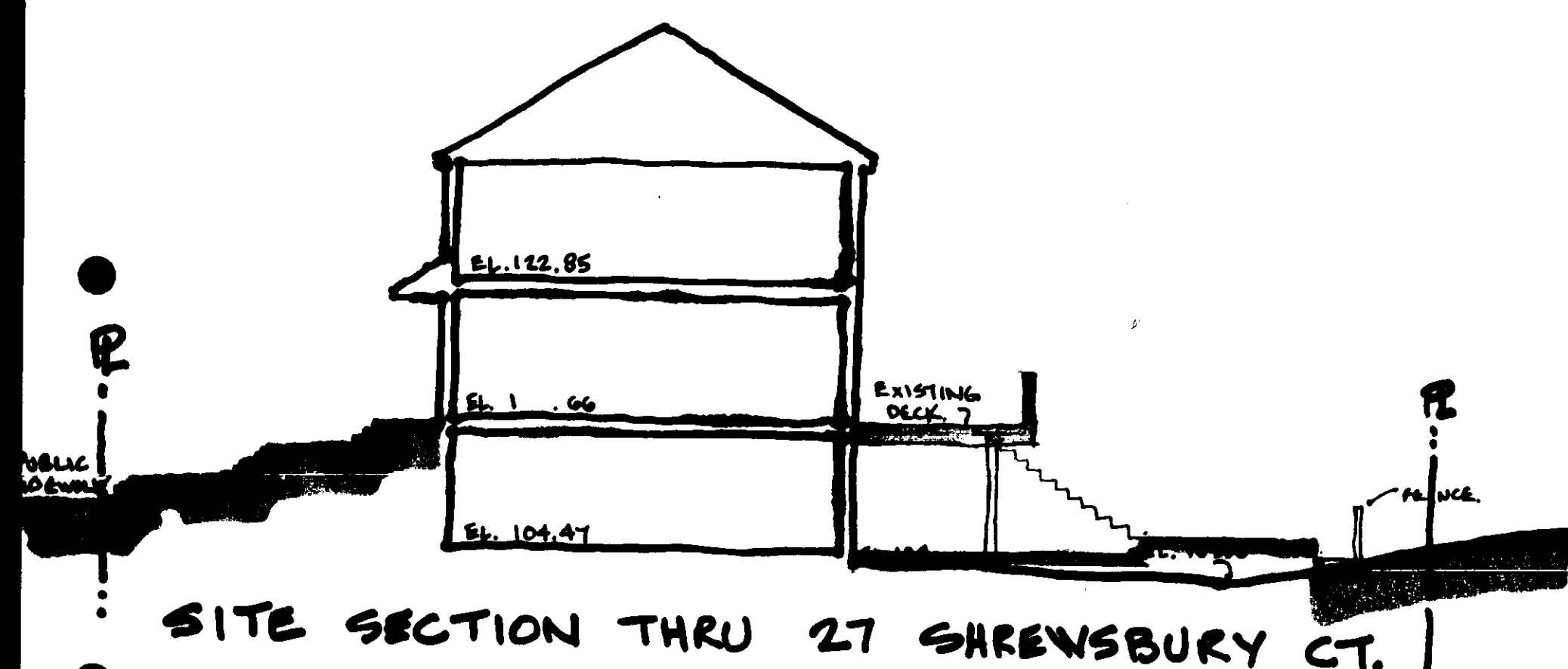
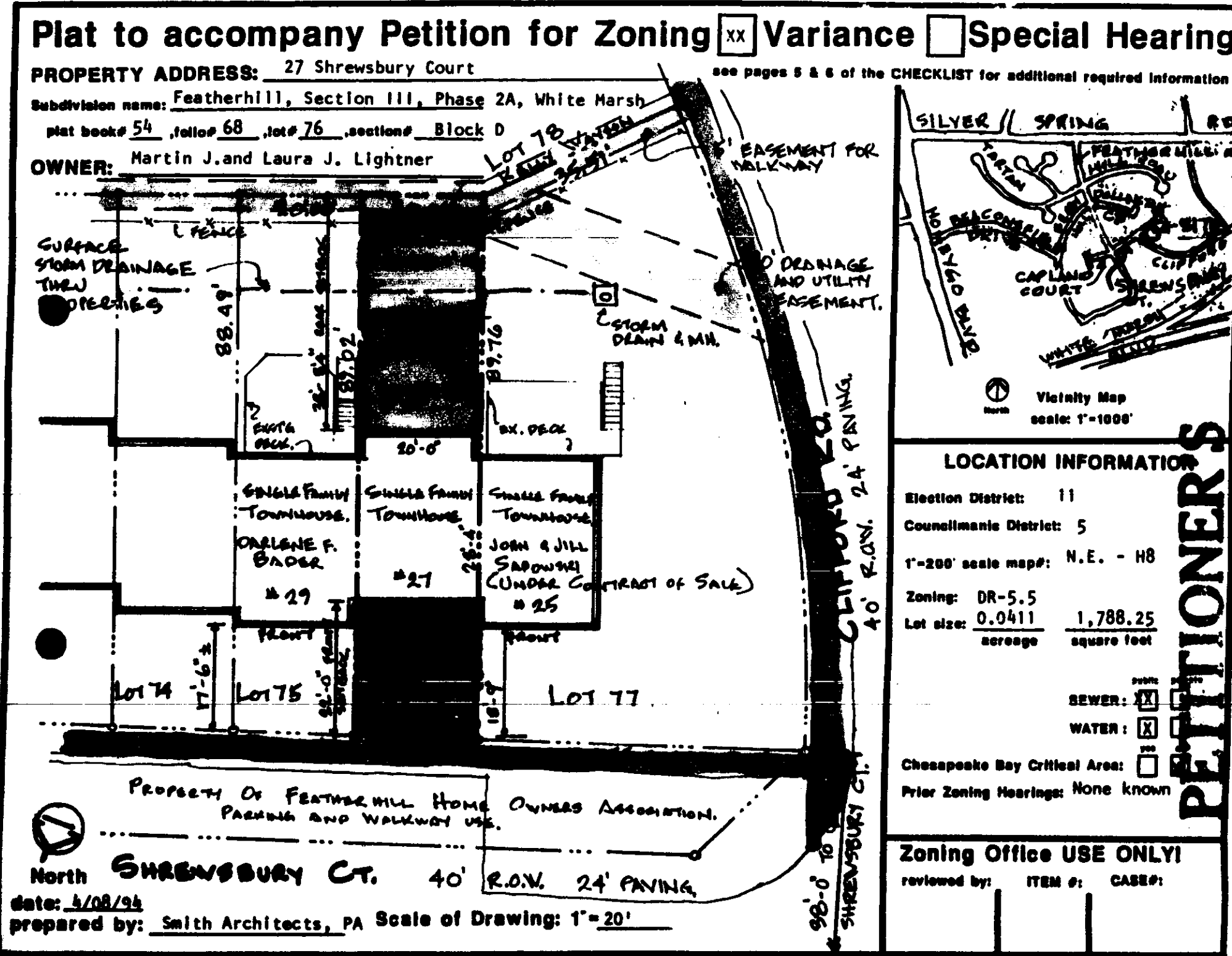
Modify Section V.B.7, as follows:

V.B.7. PRIVATE SPACE FACTOR

To ensure adequate private yard space (private yard space is defined as that area of open land that is sold and belongs to the dwelling unit), a minimum area of 500 square feet is required. The 500 square feet must be in one contiguous area with a minimum depth of 15' on the covered area. The side and front yard area is too small in depth or overall size to be calculated as adequate yard space.

The example shown in Figure 5-10a provides one area of 500 square feet to meet required private yard space. The side and front yard area is too small in depth or overall size to be calculated as adequate yard space.

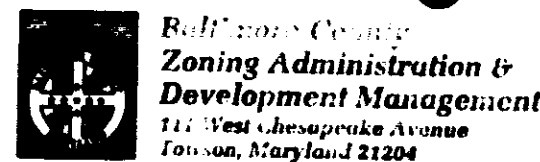
86-378-A G
86-441-A G



PETITIONER'S
EXHIBIT No 3

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 5/5/94
Posted for: Variances
Petitioner: Martin J. Lightner & Laura J. Lightner
Location of property: 27 Shrewsbury Court, S/S
Location of Sign: Along the alley, on property being zoned
Remarks:
Posted by: [Signature] Date of return: 5/14/94
Number of Signs: 1



receipt

Account: R-001-4180
Number: 429
Date: 5/9/94
Taken by: JRF
Lighter - 27 Shrewsbury Ct.
080 - Sign - \$35.00
030 - SPH (Amendment) \$50.00
\$85.00
27 Shrewsbury Ct.
Perry Hall, Md. 21224
Please Make Checks Payable To: Baltimore County
CASHIER VALIDATION

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

94-451-A

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 429
Petitioner: MARTIN J. AND LAURA J. LIGHTNER
Location: 27 SHREWSBURY COURT
PLEASE FORWARD ADVERTISING BILL TO:
NAME: MARTIN J. AND LAURA J. LIGHTNER
ADDRESS: 27 SHREWSBURY COURT
PERRY HALL, MD. 21228
PHONE NUMBER: 931-2150

MUST BE SUPPLIED

TO: PUTNEY PUBLISHING COMPANY
May 26, 1994 Issue - Jeffersonian

Please forward billing to:
Martin and Laura Lightner
27 Shrewsbury Court
Perry Hall, Maryland 21228
931-2150

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-451-A (Item 429)
27 Shrewsbury Court
S/S Shrewsbury Court, 80' E of c/l Clifford Road
11th Election District - 5th Councilmanic
Legal Owner(s): Martin J. Lightner and Laura J. Lightner
HEARING: TUESDAY, JUNE 21, 1994 at 11:00 a.m. Rm. 118 Old Courthouse.

Variance to permit a 160 square foot contiguous yard area in lieu of 500 square feet; and to permit a rear yard setback of 8 feet in lieu of 11.25 feet; and to amend the F.D.P. of Featherhill (White Marsh).

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 27, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 26, 1994

THE JEFFERSONIAN,

A. Henrichsen
LEGAL AD. - TOWSON

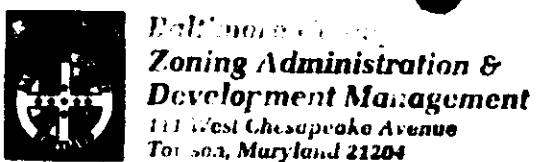
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receipt

Account: R-001-4180
Number: 429
Date: 5/9/94
Taken by: JRF
Lighter - 27 Shrewsbury Court.
010 - Variance - \$50.00
94-451-A
Please Make Checks Payable To: Baltimore County
CASHIER VALIDATION

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 10, 1994

Mr. and Mrs. Martin J. Lightner
27 Shrewsbury Court
Perry Hall, Maryland 21228

RE: Case No. 94-451-XA, Item No. 429
Petitioner: Martin J. Lightner, et ux.
Petition for Variance

Dear Mr. and Mrs. Lightner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 9, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: May 27, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief RNB/DK
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 31, 1994
Item No. 429

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted, the property owner must not obstruct the surface drainage swale that carries upstream drainage through the property to the existing inlet on Lot #77.

RWB:sw

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MAY 20, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-451-A (Item 429)
27 Shrewsbury Court
S/S Shrewsbury Court, 80' E of c/l Clifford Road
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Arnold Jablon
Director

cc: Martin and Laura Lightner
Donald D. Smith

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-25-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 429 (JRF)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
DAVID M. RANNEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 767 North Calvert Street - Baltimore, Maryland 21208

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Shrewsbury Court, 80 ft. * ZONING COMMISSIONER
E of c/l of Clifford Road *
27 Shrewsbury Court *
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Martin J. Lightner, et ux * Case No. 94-451-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 27 Shrewsbury Court in the Feather Hill residential subdivision of Baltimore County. The Petition is filed by Martin J. Lightner and Laura J. Lightner, his wife, property owners. Variance relief is requested from Section V.B.7 of the Comprehensive Manual of Development Policy, pursuant to Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 160 sq. ft. contiguous yard area in lieu of the required 500 sq. ft. Also requested is variance relief from Section V.B.6.b. of the CMDP pursuant to Section 504.2 of the BCZR and Section 301.1 of the BCZR to permit a rear yard setback of 8 ft. in lieu of the required 11.25. The Petitioners also seek to amend the Final Development Plan of the Feather Hill subdivision, Section 3. The subject property and relief requested is more particularly shown on the site plan marked as Petitioners' Exhibit No. 1, and a schematic of the existing (Petitioners' Exhibit No. 2) and proposed (Petitioners' Exhibit No. 3) improvements.

Appearing at the hearing for this case was the property owners, Martin J. Lightner and Laura J. Lightner, his wife, along with Donald D. Smith, the contractor who will construct the proposed improvements. Ap-

pearing in opposition to the request were several neighbors from the surrounding community. They included Shirley Miles, Darlene Bader, Frank Biro and Mrs. Terence Lucero.

Mr. Lightner testified and presented the site plan. He indicated that he and his wife are original owners of the subject property and have resided there for approximately 6-1/2 years. They noted that they live within the Feather Hill community, a residential community of townhomes in the White Marsh area. Their townhouse is 20 ft. wide and 28 ft. deep. As shown on the site plan, the townhouse row in which the Lightners reside contain staggered fronts to present a diversified look. The property is presently improved with a townhouse and an open porch on the front. To the rear is an elevated existing deck. The elevation of the property is such that the topography falls away towards the rear of the house. The existing deck leads off of the first floor, which is even with the grade at the front entrance to the house.

Mr. Lightner testified that his property has been plagued by inadequate drainage system since his purchase. He attributes this problem to the builder. He noted that the storm water swale was never constructed towards the rear of his lot as shown on the original plans for development. Rather, a swale exists in the middle of his rear yard closer to his house than is shown on the development plan. Mr. Lightner testified that during bad weather, he often experiences standing water and wet conditions in his rear yard. In order to enjoy a utilizable area in the rear yard, he proposes constructing a significantly sized deck over nearly the entire rear yard. This deck will extend nearly the entire length of the rear yard and is shown both on the site plan and Petitioners' Exhibit No. 3. Steps will be constructed to lead from the existing elevated deck to this deck, which will be slightly above grade. The deck will terminate just

inside the fence, which marks the Petitioners' rear property line. The distance between the deck and the fence will be covered in stone. Moreover, the deck will be improved with two planters and other improvements to make same esthetically attractive.

Mr. Lightner also noted that his rear yard is presently approximately 90 ft. deep and 20 ft. wide. However, with the construction of the deck, the rear yard uncovered by the improvements will only be 8 ft. deep. Thus, the total rear yard area will be 160 sq. ft. This area is less than the 500 sq. ft. required under the CMDP. Moreover, as noted above, the deck will be but 8 ft. from the 54" fence/property line, thus, less than the 11.25 ft. required. Therefore, the requested variances are necessary.

Testimony was also received from the Protestants. Primarily concerned about this request is Ms. Bader, who resides immediately next door. She is troubled over the Petitioner's use of the property and maintenance of same. She recounted a list of complaints concerning the Petitioners and their alleged failure to maintain their property. Her objections did not go relate to the proposed deck improvements, per se, rather to the Petitioners alleged failure to maintain the property in a manner so as not to adversely affect property values.

Although these concerns are certainly viable, they are not relevant to the narrow question presented in this case. That is, I must adjudge whether the variances are appropriate under the BCZR. Clearly, the Petitioner must maintain his property so that same does not constitute a nuisance. If the property is not maintained, the community's redress is to seek a zoning violation and prosecution of the Petitioner through the District Court. Moreover, if the Petitioner's pets adversely affect the neighborhood, a complaint should be filed with the Animal Welfare Board. I urge the Protestants to follow these avenues if they are appropriate.

However, these concerns, again, are not relevant to the narrow issue before me.

In addressing that issue, I must be guided by the provisions of Section 307 of the BCZR. Therein, it is provided that variance relief can be granted only if the Petitioner establishes practical difficulty, if same is consistent with the spirit and intent of the regulations and if the relief can be granted without adverse impact to the surrounding locale. In viewing the totality of the evidence offered, I am persuaded that the Petitioner has satisfied these burdens. The existence of the swale and the consistent wet state of the rear yard renders same nearly unusable and impractical. The Petitioner's suggestion to construct a deck is a logical alternative to remedy this difficulty. Moreover, I believe that the deck can be constructed so as not to adversely affect the surrounding locale. I will require the Petitioner to take steps as may be appropriate to ensure that its construction does not adversely affect neighboring properties. I am particularly concerned that the deck should not block drainage existing patterns of the property and neighboring home sites or cause increased storm water management onto other properties. I believe the deck can be constructed so as not to result in these impacts if it is elevated as shown on the plans. Thus, the relief granted herein shall be conditioned so as to require the Petitioner to not block existing drainage patterns or cause increase runoff by his deck construction.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 35th day of July, 1994 that a variance from Section V.B.7 of the Comprehensive Manual of Development Policy, pursuant to Section 504.2

of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 160 sq. ft. contiguous yard area in lieu of the required 500 sq. ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED variance from Section V.B.6.b. of the CMDP pursuant to Section 504.2 of the BCZR and Section 301.1 of the BCZR to permit a rear yard setback of 8 ft. in lieu of the required 11.25, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that amendment to Final Development Plan of the Feather Hill Subdivision, Section 3, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow the deck to alter drainage patterns of the property and neighboring home sites or cause increased storm water management onto other properties. The deck shall be constructed so as not to result in these impacts. All applications for permits shall reference this case so as to ensure compliance with this restriction.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 22, 1994

Mr. and Mrs. Martin J. Lightner
27 Shrewsbury Court
Perry Hall, Maryland 21128

RE: Petition for Variance
Case No. 94-451-A
Location: 27 Shrewsbury Court

Dear Mr. and Mrs. Lightner:

Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

cc: Ms. Shirley Miles
Ms. Darlene F. Bader
Mr. Frank Biro
Mrs. Terence Lucero



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 27 Shrewsbury Court
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504.2 (CMDP V.B.7) to permit a 160 sq. ft. contiguous yard area in lieu of 500 sq. ft. 504.2 (V.B.6.b) & 301.1 To permit a rear yard setback of 8 ft. in lieu of 11.25 ft. and to amend the F.D.P. of Featherhill (White Marsh).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons. (Indicate hardship or Owner cites both hardship and practical difficulty in the beneficial use of their rear yard which is the course for drainage from adjacent properties, becoming a quagmire whenever it rains. Owner wishes to deck over the drainage to create an effective play area for small children and pets.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Leasee

Type or Print Name

Signature

Address

City

State

Zip

Phone No.

Fax No.

City

State

Zip

Phone No.

Fax No.

When do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Martin J. Lightner

Signature

Laura J. Lightner

Signature

27 Shrewsbury Court

Perry Hall, MD 21128

City

State

Zip

Phone No.

Fax No.

City

State

Zip

Phone No.

Fax No.

ZONING DESCRIPTION

94-451A

ZONING DESCRIPTION FOR 27 Shrewsbury Court

Election District 11 Councilmanic District 5

Beginning at a point 55.03 feet from the east side of Clifford Road which is Forty (40) feet wide at a distance of Thirty-Eight (38) feet south of the centerline of the nearest improved intersecting street, Shrewsbury Court which is Forty (40) feet wide. Being Lot #76, Block D, on plat Featherhill, Section III, Phase 2A, White Marsh as recorded in Baltimore County Plat Book #54, Folio 68, containing 1,788.25 square feet (40.44 Acres).

(0.0411)

#429

ORDER RECEIVED FOR FILING
Date 7/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/22/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/22/94
By [Signature]

#429

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 1, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

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Prepared by: *Jeffrey W. Long*

Division Chief: *Pat Keller*

PK/JL:lw

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27 Shrewsbury Court
S/S Shrewsbury Court, 80' E of c/l
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People's Counsel for Baltimore County

Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
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(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Donald D. Smith, 4112 Pine Hill Road, Baltimore, MD 21236, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME: *Debra J. Smith*
ADDRESS: *31 Shrewsbury Ct. 21228*
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Frank B. Bero
48 Shrewsbury Ct 21228
Mrs. Terence Lucero
33 Shrewsbury Ct 21228

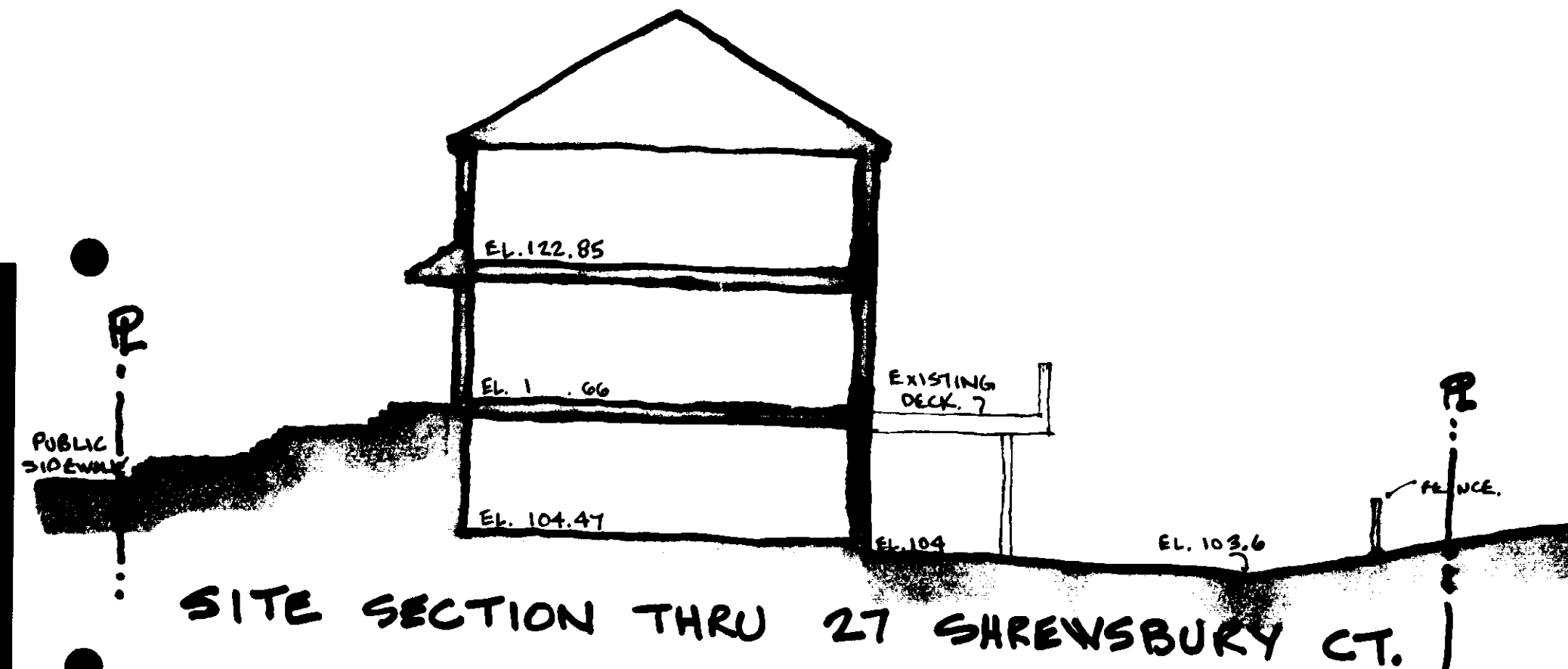
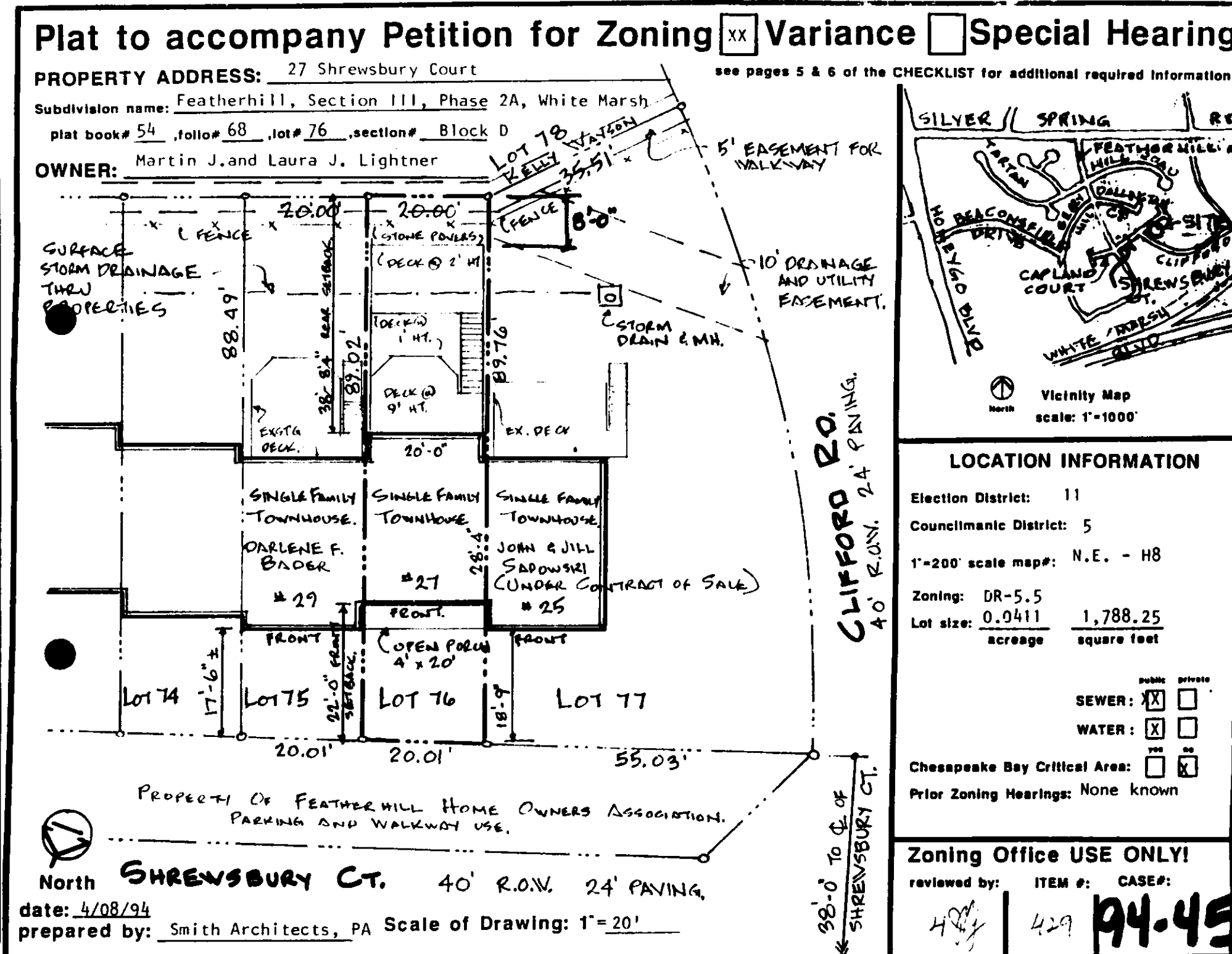
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

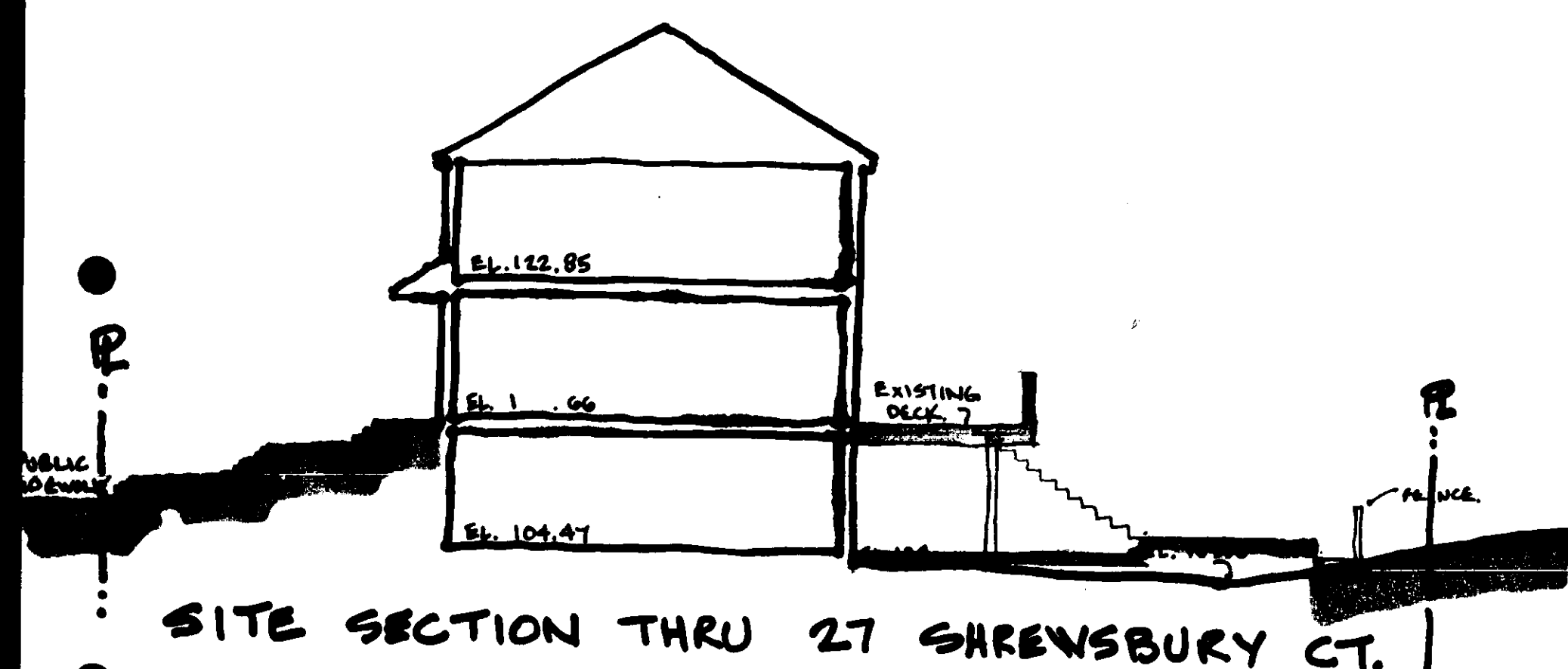
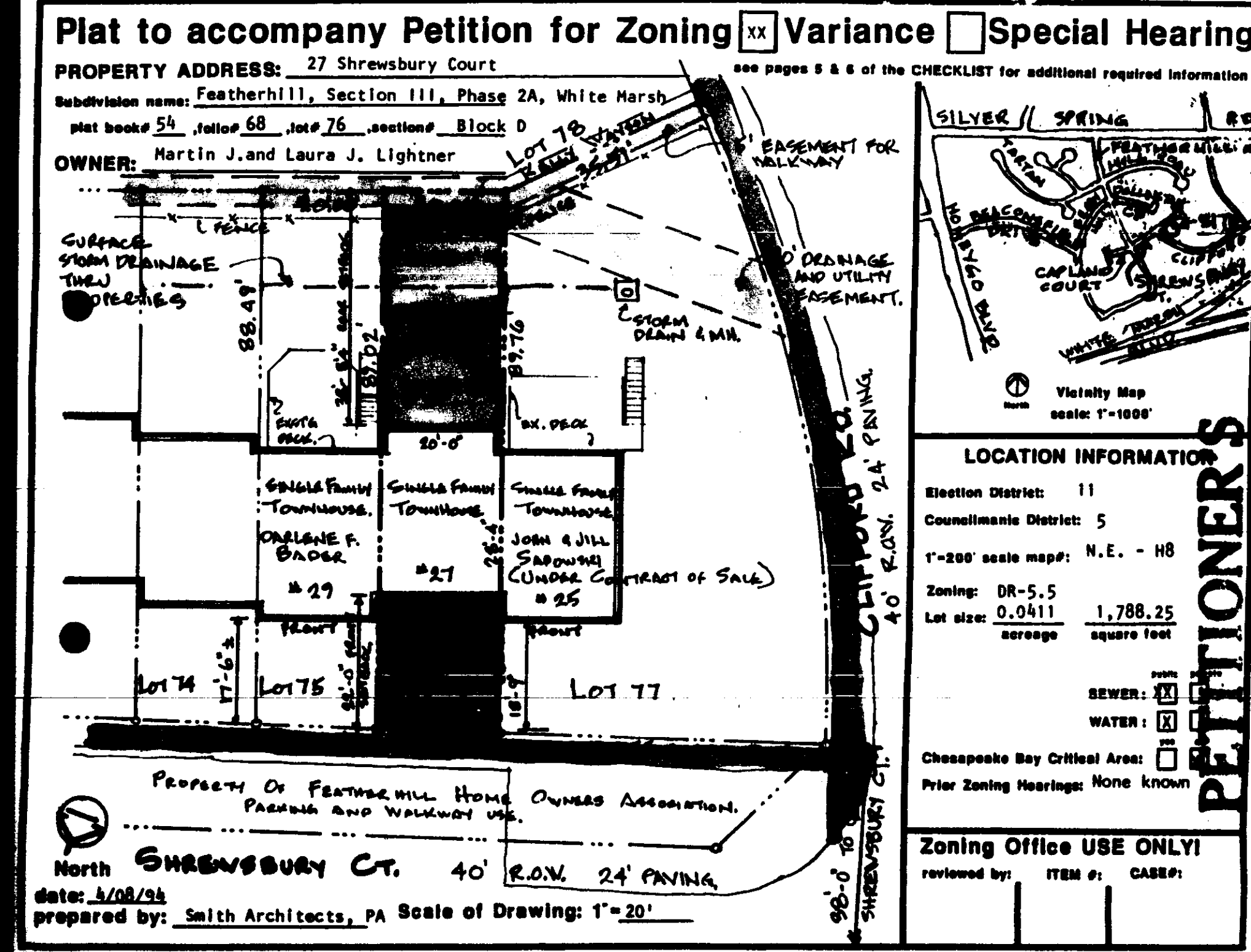
NAME: *Donald D. Smith*
ADDRESS: *1010 St. Paul St. 21202*
Laura J. Lightner
Martin J. Lightner
27 Shrewsbury Ct 21228
Ditto



SCALE 1" = 200'	LOCATION FULLERTON WHITE MARSH VICINITY	SHEET N. E. 8-H
DATE OF PHOTOGRAPHY JANUARY 1986		



PETITIONER'S EXHIBIT No 2



PETITIONER'S EXHIBIT No 3

V.B.7 PRIVATE SPACE FACTOR

To ensure adequate private yard space (private yard space is defined as that area of open land that is sold and belongs to the dwelling unit), a minimum area of 500 square feet is required. The 500 square feet must be in one contiguous area with a minimum depth of 15' or covered area such as porches that could possibly be enclosed at a later date cannot be calculated in this minimum space.

Modify Section V.B.7, as follows:

* adopted by the Baltimore County Planning Board 1/17/88

To ensure adequate private yard space (private yard space is defined as that area of open land that is sold and belongs to the dwelling unit), a minimum area of 500 square feet is required. The 500 square feet must be in one contiguous area with a minimum depth of 15' or covered area such as porches that could possibly be enclosed at a later date cannot be calculated in this minimum space. The land area under an uncovered deck, if raised or elevated, may be included in the calculation of minimum private yard space.

The example shown in Figure 5-10a provides one area of 500 square feet to meet required private yard space. The side and front yard area is too small in depth or overall size to be calculated as adequate yard space.

86-378-A G
86-441-A G

*
V-14

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 5/5/94
Posted for: Variances
Petitioner: Martin J. Lightner & Laura J. Lightner
Location of property: 27 Shrewsbury Court, S/S
Location of Sign: Along the alley, on property being zoned
Remarks:
Posted by: [Signature] Date of return: 5/14/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 27, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 26, 1994

THE JEFFERSONIAN,

A. Henricson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 11:00 a.m. on June 21, 1994 at 11:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case: 94-451-A (Item 429)
27 Shrewsbury Court, S/S Shrewsbury Court, 80' E of c/l Clifford Road, 11th Election District - 5th Councilmanic Legal Owner(s): Martin J. Lightner and Laura J. Lightner
Hearing: Tuesday, June 21, 1994 at 11:00 a.m. in Room 118, Old Courthouse

Variance to permit a 160 square foot contiguous yard area in lieu of the 500 square foot setback of 8 feet in lieu of 11.25 feet; and to amend the F.O.P. of Featherhill (White Marsh).
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.
5/26 May 26

receipt

Baltimore County Government
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-4180
Number: 429
Date: 5/9/94
Taken by: JRF
Lighter - 27 Shrewsbury Ct.
080 - Sign - \$35.00
030 - SPH (Amendment) \$50.00
\$85.00
27 Shrewsbury Ct.
Perry Hall, Md. 21124
Please Make Checks Payable To: Baltimore County
CASHIER VALIDATION

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 429
Petitioner: MARTIN J. AND LAURA J. LIGHTNER
Location: 27 SHREWSBURY COURT
PLEASE FORWARD ADVERTISING BILL TO:
NAME: MARTIN J. AND LAURA J. LIGHTNER
ADDRESS: 27 SHREWSBURY COURT
PERRY HALL, MD. 21128
PHONE NUMBER: 931-2150

MUST BE SUPPLIED

receipt

Baltimore County Government
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-4180
Number: 429
Date: 5/9/94
Taken by: JRF
Lighter - 27 Shrewsbury Court.
010 - Variance - \$50.00
\$50.00
27 Shrewsbury Ct.
Perry Hall, Md. 21124
Please Make Checks Payable To: Baltimore County
CASHIER VALIDATION

TO: PUTNEY PUBLISHING COMPANY
May 26, 1994 Issue - Jeffersonian

Please forward billing to:

Martin and Laura Lightner
27 Shrewsbury Court
Perry Hall, Maryland 21128
931-2150

NOTICE OF HEARING

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CASE NUMBER: 94-451-A (Item 429)

27 Shrewsbury Court, S/S Shrewsbury Court, 80' E of c/l Clifford Road, 11th Election District - 5th Councilmanic Legal Owner(s): Martin J. Lightner and Laura J. Lightner
HEARING: TUESDAY, JUNE 21, 1994 at 11:00 a.m. in Room 118 Old Courthouse.

Variance to permit a 160 square foot contiguous yard area in lieu of 500 square feet; and to permit a rear yard setback of 8 feet in lieu of 11.25 feet; and to amend the F.O.P. of Featherhill (White Marsh).

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

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Variance to permit a 160 square foot contiguous yard area in lieu of 500 square feet; and to permit a rear yard setback of 8 feet in lieu of 11.25 feet; and to amend the F.O.P. of Featherhill (White Marsh).

[Signature]

Arnold Jablon
Director

cc: Martin and Laura Lightner
Donald D. Smith

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 10, 1994

Mr. and Mrs. Martin J. Lightner
27 Shrewsbury Court
Perry Hall, Maryland 21128

RE: Case No. 94-451-XA, Item No. 429
Petitioner: Martin J. Lightner, et ux.
Petition for Variance

Dear Mr. and Mrs. Lightner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 9, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: May 27, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief RNB/DK
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 31, 1994
Item No. 429

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted, the property owner must not obstruct the surface drainage swale that carries upstream drainage through the property to the existing inlet on Lot #77.

RWB:sw

MDOT Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 429 (JRF)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
[Signature]
DAVID M. RANNEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 767 North Calvert Street • Baltimore, Maryland 21208

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Shrewsbury Court, 80 ft. * ZONING COMMISSIONER
E of c/l of Clifford Road *
27 Shrewsbury Court *
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Martin J. Lightner, et ux * Case No. 94-451-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 27 Shrewsbury Court in the Feather Hill residential subdivision of Baltimore County. The Petition is filed by Martin J. Lightner and Laura J. Lightner, his wife, property owners. Variance relief is requested from Section V.B.7 of the Comprehensive Manual of Development Policy, pursuant to Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 160 sq. ft. contiguous yard area in lieu of the required 500 sq. ft. Also requested is variance relief from Section V.B.6.b. of the CMDP pursuant to Section 504.2 of the BCZR and Section 301.1 of the BCZR to permit a rear yard setback of 8 ft. in lieu of the required 11.25. The Petitioners also seek to amend the Final Development Plan of the Feather Hill subdivision, Section 3. The subject property and relief requested is more particularly shown on the site plan marked as Petitioners' Exhibit No. 1, and a schematic of the existing (Petitioners' Exhibit No. 2) and proposed (Petitioners' Exhibit No. 3) improvements.

Appearing at the hearing for this case was the property owners, Martin J. Lightner and Laura J. Lightner, his wife, along with Donald D. Smith, the contractor who will construct the proposed improvements. Ap-

pearing in opposition to the request were several neighbors from the surrounding community. They included Shirley Miles, Darlene Bader, Frank Biro and Mrs. Terence Lucero.

Mr. Lightner testified and presented the site plan. He indicated that he and his wife are original owners of the subject property and have resided there for approximately 6-1/2 years. They noted that they live within the Feather Hill community, a residential community of townhomes in the White Marsh area. Their townhouse is 20 ft. wide and 28 ft. deep. As shown on the site plan, the townhouse row in which the Lightners reside contain staggered fronts to present a diversified look. The property is presently improved with a townhouse and an open porch on the front. To the rear is an elevated existing deck. The elevation of the property is such that the topography falls away towards the rear of the house. The existing deck leads off of the first floor, which is even with the grade at the front entrance to the house.

Mr. Lightner testified that his property has been plagued by inadequate drainage system since his purchase. He attributes this problem to the builder. He noted that the storm water swale was never constructed towards the rear of his lot as shown on the original plans for development. Rather, a swale exists in the middle of his rear yard closer to his house than is shown on the development plan. Mr. Lightner testified that during bad weather, he often experiences standing water and wet conditions in his rear yard. In order to enjoy a utilizable area in the rear yard, he proposes constructing a significantly sized deck over nearly the entire rear yard. This deck will extend nearly the entire length of the rear yard and is shown both on the site plan and Petitioners' Exhibit No. 3. Steps will be constructed to lead from the existing elevated deck to this deck, which will be slightly above grade. The deck will terminate just

inside the fence, which marks the Petitioners' rear property line. The distance between the deck and the fence will be covered in stone. Moreover, the deck will be improved with two planters and other improvements to make same esthetically attractive.

Mr. Lightner also noted that his rear yard is presently approximately 90 ft. deep and 20 ft. wide. However, with the construction of the deck, the rear yard uncovered by the improvements will only be 8 ft. deep. Thus, the total rear yard area will be 160 sq. ft. This area is less than the 500 sq. ft. required under the CMDP. Moreover, as noted above, the deck will be but 8 ft. from the 54" fence/property line, thus, less than the 11.25 ft. required. Therefore, the requested variances are necessary.

Testimony was also received from the Protestants. Primarily concerned about this request is Ms. Bader, who resides immediately next door. She is troubled over the Petitioner's use of the property and maintenance of same. She recounted a list of complaints concerning the Petitioners and their alleged failure to maintain their property. Her objections did not go relate to the proposed deck improvements, per se, rather to the Petitioners alleged failure to maintain the property in a manner so as not to adversely affect property values.

Although these concerns are certainly viable, they are not relevant to the narrow question presented in this case. That is, I must adjudge whether the variances are appropriate under the BCZR. Clearly, the Petitioner must maintain his property so that same does not constitute a nuisance. If the property is not maintained, the community's redress is to seek a zoning violation and prosecution of the Petitioner through the District Court. Moreover, if the Petitioner's pets adversely affect the neighborhood, a complaint should be filed with the Animal Welfare Board. I urge the Protestants to follow these avenues if they are appropriate.

However, these concerns, again, are not relevant to the narrow issue before me.

In addressing that issue, I must be guided by the provisions of Section 307 of the BCZR. Therein, it is provided that variance relief can be granted only if the Petitioner establishes practical difficulty, if same is consistent with the spirit and intent of the regulations and if the relief can be granted without adverse impact to the surrounding locale. In viewing the totality of the evidence offered, I am persuaded that the Petitioner has satisfied these burdens. The existence of the swale and the consistent wet state of the rear yard renders same nearly unusable and impractical. The Petitioner's suggestion to construct a deck is a logical alternative to remedy this difficulty. Moreover, I believe that the deck can be constructed so as not to adversely affect the surrounding locale. I will require the Petitioner to take steps as may be appropriate to ensure that its construction does not adversely affect neighboring properties. I am particularly concerned that the deck should not block drainage existing patterns of the property and neighboring home sites or cause increased storm water management onto other properties. I believe the deck can be constructed so as not to result in these impacts if it is elevated as shown on the plans. Thus, the relief granted herein shall be conditioned so as to require the Petitioner to not block existing drainage patterns or cause increase runoff by his deck construction.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 35th day of July, 1994 that a variance from Section V.B.7 of the Comprehensive Manual of Development Policy, pursuant to Section 504.2

ORDER RECEIVED FOR FILING

Date 7/21/94
By [Signature]

ORDER RECEIVED FOR FILING

Date 7/21/94
By [Signature]

ORDER RECEIVED FOR FILING

Date 7/21/94
By [Signature]

ORDER RECEIVED FOR FILING

Date 7/21/94
By [Signature]

of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 160 sq. ft. contiguous yard area in lieu of the required 500 sq. ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED variance from Section V.B.6.b. of the CMDP pursuant to Section 504.2 of the BCZR and Section 301.1 of the BCZR to permit a rear yard setback of 8 ft. in lieu of the required 11.25, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that amendment to Final Development Plan of the Feather Hill Subdivision, Section 3, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow the deck to alter drainage patterns of the property and neighboring home sites or cause increased storm water management onto other properties. The deck shall be constructed so as not to result in these impacts. All applications for permits shall reference this case so as to ensure compliance with this restriction.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 22, 1994

Mr. and Mrs. Martin J. Lightner
27 Shrewsbury Court
Perry Hall, Maryland 21128

RE: Petition for Variance
Case No. 94-451-A
Location: 27 Shrewsbury Court

Dear Mr. and Mrs. Lightner:

Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm

encl.

cc: Ms. Shirley Miles
Ms. Darlene F. Bader
Mr. Frank Biro
Mrs. Terence Lucero



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 27 Shrewsbury Court
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504.2 (CMDP V.B.7) to permit a 160 sq. ft. contiguous yard area in lieu of 500 sq. ft. 504.2 (V.B.6.b) & 301.1 To permit a rear yard setback of 8 ft. in lieu of 11.25 ft. and to amend the F.D.P. of Featherhill (white marsh).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons. (Indicate hardship or Owner cites both hardship and practical difficulty in the beneficial use of their rear yard which is the course for drainage from adjacent properties, becoming a quagmire whenever it rains. Owner wishes to deck over the drainage to create an effective play area for small children and pets.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee

Type or Print Name

Signature

Address

City

State

Zip

Phone No.

Fax No.

City

State

Zip

Phone No.

Fax No.

When do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Martin J. Lightner

Type or Print Name

Signature

Laura J. Lightner

Type or Print Name

Signature

27 Shrewsbury Court

Address

Perry Hall, MD 21128

City

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